

**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD**

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

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Writ Petition No.23722 of 1997

DATED 15-2-2007

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BETWEEN

General Secretary,
APSRTC National Mazdoor Union,
Gudivada Depot, Kishna District.

.. Petitioner

And

The Labour Court, Guntur and another.

.. Respondents

THE HONOURABLE SRI JUSTICE RAMESH RANGANATHAN

-
WRIT PETITION NO.23722 of 1997

-
ORDER:

Aggrieved by the nil award passed by the Labour Court, Guntur in I.D.No.176 of 1990 dated 17.1.1996, the petitioner Union has approached this Court.

On a dispute being referred by the Government of India with regard to the justification of the 2nd respondent herein in not giving promotion to one Sri N.V.Krishna Rao, the dispute was numbered as I.D.No.176 of 1990. Though the petitioner filed a claim statement before the Labour Court, no evidence was let in. Since the petitioner Union was called absent, and there was no representation on its

behalf, the petition was dismissed with costs and a nil award was passed. Even before this Court, nothing is stated as to why the petitioner failed to appear before the Labour Court. All that is stated is that the General Secretary representing the Union did not evince any interest in the matter.

Sri O.Manohar Reddy, learned counsel for the petitioner would submit that since the petitioner had filed a claim statement before the Labour Court, it ought not to have passed a nil award but should have examined the contentions raised in the claim statement and to have passed an award on merits.

Sri R.Manmadha Reddy, learned standing counsel for the respondent Corporation would submit that the very reference itself was not justified, inasmuch as the petitioner's claim for promotion was not justified even on merits. Learned counsel would submit that since no reasons are stated in the affidavit filed in support of the writ petition in justification of the failure of the petitioner to appear before the Labour Court, the Labour Court had rightly dismissed the petition.

It is well settled that mere filing a claim statement before the Tribunal/Labour Court would not justify an award being passed on merits and it is only when there is evidence adduced in support of such a plea, could an award be passed on merits. As held in **Shanker Chakravarthi v. Britannia Biscuits**^[1], unless evidence is adduced in support of a plea, the Labour Court is not entitled to take note of the pleas raised in the claim statement in passing an award.

In the present case, except for filing the claim statement, the petitioner chose to remain absent. The Labour Court could not have passed an award on merits on the basis of the pleadings in the claim statement, inasmuch no evidence has been produced in support of the pleas raised therein.

The contention before this Court that the General Secretary of the Union did not evince any interest would not, by itself, necessitate the matter being remanded back to the Labour Court. If the General Secretary of the petitioner union had been negligent, it is for the employee concerned to take action against him. In Certiorari proceedings under Article 226 of the Constitution of India, this Court is only required to examine the validity of the award of the Labour Court, that too on limited grounds. The award, in the present case, does not suffer from any illegality necessitating interference under Article 226 of the Constitution of India.

The writ petition fails and is accordingly dismissed. No costs.

RAMESH RANGANATHAN,J

Dt: 15.2.2007
msv.

[\[1\]](#) AIR 1979 SC 1652